

CITY COUNCIL MINUTES
September 8, 2008
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, September 8, 2008 at 6:00 p.m. with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Bob Snyder, Kevin Hanley, J. M. Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Administrative Manager Joanna Belanger, Police Chief Valerie Harris

By **MOTION** adjourn to a closed session under Government Code Section 54957.6:

- (1) Pursuant to Government Code Section 54956.9(b)
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing fact and circumstances, there is a significant exposure to litigation against the City Council/Agency.

Receipt of Claim pursuant to Tor Claims Act or other written communication from Ruben Ramirez threatening litigation (copy available for public inspection in the City Clerk's office). G.C. 54956.9v(3) (C).

- (2) Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager, Police Chief, Fire Chief, Administrative Services Director, Community Development Director

- (3) Pursuant to Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: David Mackowiak, Robert Richardson

Employee Organization: Management Group, Battalion Chiefs

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Proclamation: Constitution Week – September 17 through 23, 2008

Mayor Nesbitt presented the Proclamation to representatives from the Daughters of the American Revolution.

Mayor Nesbitt thanked Council Member Hanley for chairing the “Think Auburn First” campaign and stated that the fundraiser was a successful event, using all Placer-grown products.

Mayor Nesbitt thanked the Chamber and the City Manager for their efforts in the “Power Breakfast,” which was a very nice event.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. Minutes

By **MOTION** approve City Council Minutes of August 11, 2008.

2. Appointment to the Library Advisory Board

By **RESOLUTION** appoint Michael Otten to the Library Advisory Board.

3. Auburn Municipal Airport – East Area Hangar Project Amendment to Consultant Agreement – Phase III

By **RESOLUTION** approve Phase III of the consultant agreement with Mark A. Machado in an amount not to exceed \$14,000.

4. **Grand Jury Response Letter – Blue Bag Recycling Program**

By **MOTION** approve and send the letter to the Grand Jury regarding the Blue Bag Recycling Program.

5. **Vintage Oaks Lift Station Project**

By **MOTION** authorize the advertising of the Vintage Oaks Lift Station Upgrade.

6. **Cooper Amphitheater Restoration Project**

By **RESOLUTION** authorize the Recording of the Notice of Completion for the Cooper Amphitheater Restoration Project.

7. **Consultant Agreement for the Industrial Stormwater Permit at the Auburn Municipal Airport and Corporation Yard**

By **RESOLUTION** authorize the Director of Public Works to execute a consultant agreement with Eco:logic Engineers, Consultants to update the Auburn Municipal Airport and Corporation Yard's Stormwater Pollution Prevention Plan and assist with the Industrial Stormwater Permit at the Airport and Corporation Yard.

***** End of Consent Calendar *****

Mayor Nesbitt recused himself from Item No. 5 because he lives in the Vintage Oaks neighborhood and the lift station could possibly have an effect on his property.

By **MOTION** approve the Consent Calendar with the acknowledgement that Mayor Nesbitt recused himself from Item 5. **MOTION: Holmes/Snyder/Approved 5:0**

8. **Public Comment**

None

REPORTS

9. **Informational Reports from Committees/Commissions**

Library Advisory Board Member Michael Otten reported to the Council. He said library hours have been decreased by 10% due to the economic situation of the State and County. Council questions and comments

followed. Council Member Snyder said that there may be other ways to save money other than staff cuts. Mr. Otten said he plans to raise the question at the next Board meeting. Council Member Snyder and Mr. Otten agreed that the public should be allowed the opportunity to discuss alternatives. Council Member Snyder suggested that the library utilize volunteers to maintain longer hours. Council Member Hanley suggested that the County Supervisors look at their Revenue Sharing Program to try to keep the library open for working people.

Mr. Otten advised the Council that the City Hall Historical Classroom had 137 visitors during Placer County Heritage Trails Days, wherein all museums were open to the public at no cost. He said it was probably the largest audience to visit the classroom since it was created.

Telecommunications Commission Chair Glenn Tonkin advised the Council of the current state of the Wave Franchise. He said subscribers have increased throughout the year. He said the Commission is reviewing the franchise payments and the way invoices are itemized. He said Wave is current with its payments. He said the Commission continues to await information from the State regarding franchising. He said the State's main focus at this time is with major cities.

Mr. Tonkin advised that the Commission is looking at HDTV. He said it has been brought to the attention of the Commission that there are some issues with broadcasting in digital. He said the public may not be able to get as many channels in the standard area. He said the Commission is trying to get more information to keep the public educated on the change. Council questions followed.

Mayor Nesbitt thanked the Commission and stated that its service to the City is invaluable.

10. **City Council Committee Reports**

Council Member Snyder reported that the Mosquito Abatement District has closed escrow on a building in Roseville that will provide a permanent structure for the district.

Council Member Hanley reported on two pieces of recent legislation. He said the Legislature did extend the Volunteer Exemption Bill. He said "Project Auburn" would be basically illegal without the bill. He said prevailing wage must otherwise be paid to persons who work on those types of projects. He said the second bill, SB 375, basically requires that the Regional Transportation Agency, SACOG, is given a greenhouse gas reduction target date by the California Air Resources Board. The Regional Transportation Agency has to decide how it will meet that target.

He said it could effect road improvement projects in outlying areas, such as Placer and El Dorado Counties. He said it also affects the housing element from a five-year cycle to an eight-year cycle.

Council Member Powers reminded Council that the Economic Development Commission (EDC) had previously asked the Council for funds for radio commercials. Businesses also fund the advertisements. She said the commercials were joint ads for a particular business and the City of Auburn. She advised that the program is completely sold out through February; and, therefore, is not costing the EDC any extra monies.

Council Member Holmes advised that the newly re-constituted membership of the Youth Advisory Commission will meet on Wednesday.

Mayor Nesbitt advised that the Placer County Transportation Planning Agency, acting as the Airport Land Use Commission, deadlocked on the issue of the location of the Boys & Girls Club. It will be remanded to the Placer County Board of Supervisors.

COUNCIL BUSINESS

11. Fiscal Year 2008-09 Recommended Budget Overview

Administrative Services Director Andy Heath provided a status report on the Fiscal Year 2008-09 Preliminary Budget. Mr. Heath stated that staff will seek direction from the Council in consideration of the State's current budget impasse. He gave an overview of the budget delay, the City's general fund, other major funds, and the potential impact of the State budget on these funds.

City Manager Richardson stated that the airport water line will cost approximately \$300,000. He said each hangar owner will be assessed his proportionate amount at the time of the request for a building permit. He said the City will be building about half of the project. He said the City's reimbursement will be about \$150,000. Mr. Richardson advised that the City will carry the balance until the project reaches completion.

Council questions followed regarding the overlay program, State Route 49 funding, and reserve balances.

Dan Sokol, 1330 Deerwood Place, recommended that the Council does not execute a budget until the State budget is passed. He said a tentative budget would commit funds that may not be available. He said he recommended limiting spending to public safety and infrastructure.

Council comments followed regarding the uncertainty of the State budget and contingency planning. All Council Members agreed to postpone finalizing the City budget until the State budget is decided.

By **MOTION** direct staff to bring forward the Fiscal Year 2008-09 Proposed Budget at the regularly scheduled Council meeting subsequent to the adoption of the State Budget to provide contingency budgeting based on possible reductions in gas tax. **MOTION: Holmes/Powers/Approved 5:0**

12. **Formation of Joint Powers Agency with the Auburn Urban Development Authority to Facilitate the Financing of a Proposed Issuance of Tax Allocation Bonds**

Administrative Services Director Andy Heath explained that the purpose of the item is to approve the establishment of the City of Auburn Public Financing Authority. He said it entails a Joint Powers Agreement (JPA) between the City of Auburn and the Auburn Urban Development Authority. He said, "It is recommended that the JPA be established to facilitate the proposed sale of the tax allocation bonds for redevelopment purposes that the City is currently considering." He said the JPA will allow a negotiated sale process, which is preferred to a public sale.

By **RESOLUTION 08-121:**

- A. Approve the establishment of the City of Auburn Public Financing Authority pursuant to the Joint Exercise of Powers Agreement dated as September 8, 2008 by and between the City of Auburn and the Auburn Urban Development Authority; and
- B. Direct the City Clerk to cause to be prepared, executed and filed any and all reports, statements and other documents as may be required in order to implement the establishment of the City of Auburn Public Financing Authority. **MOTION: Hanley/Powers/Approved 5:0**

ADJOURNMENT

Mayor Nesbitt adjourned the meeting, without objection, at 7:15 p.m. to the meeting of the Auburn Urban Development Authority.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk